

HOUSE MESSAGE SUMMARY

[s1776.hms]

BILL: SB 1776
SPONSOR: Senator Villalobos
SUBJECT: Practice of Law
PREPARED BY: Senate Committee on Judiciary
DATE: April 27, 2004

I. Amendments Contained in Message:

House Amendment 1 – 775491 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 substitutes Senate Bill language that provided for a penalty for a person not licensed or authorized to practice law by the Supreme Court of Florida, with broader language that provides for a penalty for a person who is not licensed or otherwise authorized to practice law *in this state*.

This amendment also amends s. 454.31, F.S., relating to prohibiting the practice of law while disbarred or suspended, to expressly include the element that a person is *knowingly* disbarred or is *knowingly* under suspension when practicing law, and to increase the penalty from a first degree misdemeanor to a third degree felony.

Additionally, s. 454.32, F.S., relating to aiding or assisting a disbarred or suspended attorney, is amended to include that when a person *knowingly* aids or assists a person in carrying on the unauthorized practice of law, *knowing* that such person has been disbarred *and has not been lawfully reinstated*, or is under suspension *from the practice of law by any circuit court of the state or by the Supreme Court of the state*, that person commits a third degree felony, which is an increase from the current first degree misdemeanor.

This amendment changes the effective date of July 1, 2004 that is currently provided in the Senate Bill, to October 1, 2004.

This amendment has no fiscal impact.